

Exhibit “A”

CAUSE NO. CV15,363

PERRY BAIRD
Plaintiff

V.

WERNERCO SERVICES, INC and
LOWE'S HOME CENTERS, LLC

§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

SAN JACINTO COUNTY, TEXAS

258TH JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

COMES NOW Plaintiff, Perry Baird, and files this Original Petition and complains of Wernerco Services, Inc. and Lowe's Home Centers, LLC and, in support thereof, respectfully shows this Court as follows:

DISCOVERY CONTROL PLAN

1. Plaintiff intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure.

CLAIM FOR RELIEF

2. Plaintiff seeks monetary relief over \$50,000 and but no more than \$500,000.

PARTIES

3. Plaintiff, Perry Baird is an individual residing in San Jacinto County, Texas. The last three digits of Plaintiff's driver's license are 55. The last three digits of Plaintiff's Social Security Number are 011.
4. Defendant Wernerco Services, Inc. is a Delaware corporation doing business in Texas and can be served by serving its registered agent CT Corporation System at 1999 Bryan Street, Ste 900, Dallas, Texas 74201. Lowe's Home Centers, LLC is a

North Carolina corporation doing business in Texas and can be served by serving its registered agent Corporate Services Company d/b/a CSC-Lawyers INCO at 211 7th Street, ste 620, Austin, Texas 78701.

JURISDICTION & VENUE

5. Jurisdiction is proper because Plaintiff's damages greatly exceed the minimum jurisdictional limits of this Court.
6. Venue is proper in this County because all or a substantial part of the events or omissions giving rise to the claims occurred in San Jacinto County, Texas.

FACTS

7. On or about March 4, 2016, Perry Baird visited the Lowe's Home Improvement Center (owned/operated by Lowe's Home Centers, LLC) at 22600 Eastex Fwy, Kingwood, Texas 77339 and purchased a Werner six-foot step ladder (manufactured by Wernerco Services, Inc.). On or about March 19, 2016, Mr. Baird used the ladder at his residence in Shepherd, Texas, while cleaning or refinishing some kitchen cabinets. This was Mr. Baird's first and only attempt to use the ladder. The ladder failed when it came apart at the locking arms. Mr. Baird fell from the ladder and suffered substantial injuries.

Breach of Warranty

8. The Defendants have breached the implied warranty of merchantability to Plaintiff in that the Defendants manufactured and/or sold Plaintiff a ladder that was unmerchantable as sold. Notice was provided by Plaintiff and Plaintiff was injured by the ladder purchased.

9. The Defendants have breached the implied warranty of fit for a particular purpose in that the Defendants manufactured and/or sold a ladder to Plaintiff with knowledge that the Plaintiff would be using the same by climbing up it in order to reach an elevated height but the ladder provided was unfit for the Plaintiff's particular purpose. Notice was provided by Plaintiff and the Plaintiff was injured by the ladder purchased.

Texas Products Liability Act

10. The Defendants actions in this matter in providing a dangerous and/or defective ladder to the plaintiff violates Texas Civil Practice and Remedies Code Chapter 82. One or both of the defendants should be found strictly liable for the injuries suffered by the Plaintiff.

NEGLIGENCE

11. On the occasion in question Defendants had a duty to exercise the degree of care toward the Plaintiff in the manufacture, storage and handling prior to the sale and sale of the ladder to the Plaintiff. One or both of the Defendants breached that duty. Said breach was the proximate cause of damages suffered by the Plaintiff.

DAMAGES

12. As a result of Defendants' negligence describe above, Mr. Baird sustained serious physical injuries. He has suffered severe mental anguish, physical pain and suffering, disfigurement, disability and impairment, and lost wages, and in all reasonable probability, will continue to suffer such mental anguish, physical pain

and suffering, disfigurement, disability and impairment in the future, as well as a loss or earning capacity.

13. Mr. Baird has incurred reasonable and necessary medical expenses as a result of the necessary medical treatment for his injuries. In all reasonable probability, Mr. Baird will continue to incur reasonable and necessary medical bills as a result of the necessary medical treatment for his injuries in the future.

14. Plaintiff, Perry Baird, seeks monetary damages in an amount within the jurisdictional limits of the court.

PRAYER

15. For these reasons, Plaintiff asks that the Court issue citation for each Defendant to appear and answer, and that Plaintiff be awarded a judgment against Defendant for actual damages within the jurisdictional limits of the Court; pre-judgment and post-judgment interest; court costs; and all other relief to which Plaintiff is entitled.

Respectfully submitted

BAKER & BECK, PLLC
202 Avenue A
Conroe, TX 77301
Tel: (936) 494-2444
Fax: (936) 494-2445
2thelawfirm@gmail.com

By: /s/Christopher A. Beck
Christopher A. Beck
State Bar No. 00796184
Attorney for Plaintiff

Citation For Personal Service-District Clerk

CLERK OF THE COURT

REBECCA CAPERS

1 STATE HIGHWAY 150, ROOM 4

COLDSPRING, TEXAS 77331-0369

5-16-18
ATTORNEY FOR PLAINTIFF OR PLAINTIFF

CHRISTOPHER A. BECK

Name

202 AVE A

Address

CONROE, TEXAS 77301

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

To WERNERCO SERVICES, INC. BY SERVING IT'S REGISTERED AGENT CT CORPORATION
SYSTEM 1999 BRYAN STREET, STE 900, DALLAS, TX 74201 Defendant, Greeting

You are hereby commanded to appear by filing a written answer to the Plaintiff's
ORIGINAL Petition at or before ten o'clock A.M. of
the Monday next after the expiration of twenty days after the date of service of this citation before the
Honorable ----- District Court 258TH Judicial District of San Jacinto County, Texas, at the
Courthouse of said County in Coldspring, Texas.

Said Plaintiff's Petition was filed in said court on the 19TH day of MARCH A.D. 20 18,
in this case, numbered CV15, 363 on the docket of said court, and styled,

PERRY BAIRD Plaintiff.

VS. WERNERCO SERVICES, INC. AND LOWE'S HOME CENTERS, LLC Defendant.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's
ORIGINAL Petition accompanying this citation and
made a part hereof.

(A TRUE AND CORRECT COPY ATTACHED)

The officer executing this writ shall promptly serve the same according to requirements of law, and the
mandates thereof, and make due return as the law directs.

Issued and given under my hand seal of said Court at Coldspring, Texas, this the 21ST day of
MARCH A.D. 20 18.

REBECCA CAPERS, CLERK, DISTRICT COURT
SAN JACINTO COUNTY, TEXAS

BY: Nicole Wade DEPUTY

Service ReturnCause No.: _____
Court: _____VS.
_____Addressee: _____
Address for Service: _____

Came to hand on the _____ day of _____, 20____, at _____ m., and executed in _____ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the _____ at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: _____

and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of defendant(s) being: _____

Service Fee: \$ _____

_____, Officer
_____, County, Texas
By: _____

Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT,

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____

Declarant/Authorized Process Server

(Id #& expiration of certification)



**Service of Process
Transmittal**

05/16/2018

CT Log Number 533350490

TO: Geoff Hartenstein
Werner Co.
93 Werner Rd
Greenville, PA 16125-9434

RE: Process Served in Texas

FOR: WernerCo Services, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: PERRY BAIRD, PLTF. vs. WERNERCO SERVICES, INC AND LOWE'S HOME CENTERS, LLC, DFTS.

DOCUMENT(S) SERVED: Notice, Return, Petition

COURT/AGENCY: 258th Judicial District Court San Jacinto County, TX
Case # CV15363

NATURE OF ACTION: Product Liability Litigation - Personal Injury - Werner six-foot step ladder

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Process Server on 05/16/2018 at 08:35

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By Before 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition

ATTORNEY(S) / SENDER(S): Christopher A. Beck
BAKER & BECK, PLLC
202 Avenue A
Conroe, TX 77301
936-494-2444

ACTION ITEMS: SOP Papers with Transmittal, via UPS Next Day Air , 1ZX212780137247972

SIGNED: C T Corporation System
ADDRESS: 1999 Bryan Street
Suite 900
Dallas, TX 75201
TELEPHONE: 214-932-3601



Page 1 of 1 / RN

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

CT Packing Slip



UPS Tracking # : 1ZX212780137247972

Created By : Rahul NLN

Created On : 05/17/2018 04:25 AM

Recipient :

Geoff Hartenstein

Title : -

Customer : Werner Co.

Address : 93 Werner Rd

Email : hartegr@werner.com

Phone : 724-588-2000 ext. 2639

Fax : -

Package Type : Envelope

Items shipped : 1

Log #	Case #	Entity Name
533350490	CV15363	WernerCo Services, Inc.



CT SOP CUSTOMER SERVICE
2149323601
CT - MINNESOTA SOP TEAM
6815 SAUKVIEW DR
SAINT CLOUD MN 56303

1.0 LBS LTR

1 OF 1

SHIP TO:

GEOFF HARTENSTEIN
2149323601
WERNER CO.
93 WERNER RD
GREENVILLE PA 16125



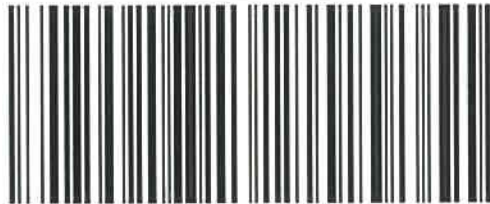
PA 163 1-01



UPS NEXT DAY AIR

TRACKING #: 1Z X21 278 01 3724 7972

1



BILLING: P/P
DESC: SOP Documents

Reference No.1: SOP/2401130/533350490/CT SOP Custo

XOL 18.03.09

NV45 99.0A 04/2018



Citation For Federal Service-District Clerk

CLERK OF THE COURT

RECEIVED ATTORNEY FOR PLAINTIFF OR PLAINTIFF

REBECCA CAPERS

1 STATE HIGHWAY 150, ROOM 4

COLDSRING, TEXAS 77331-0369

MAY 11 2018
@ 4:00 PM

CHRISTOPHER A. BECK

Name

202 AVE A

Address

CONROE, TEXAS 77301

THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

To LOWE'S HOME CENTERS BY SERVING IT'S REGISTERED AGENT CORPORATE SERVICES COMPANY D/B/A CSC LAWYERS INCO, 211 7TH ST, STE 620 AUSTIN, TX 78701 Defendant, Greeting

You are hereby commanded to appear by filing a written answer to the Plaintiff's ORIGINAL Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable ----- District Court 258TH Judicial District of San Jacinto County, Texas, at the Courthouse of said County in Coldspring, Texas.

Said Plaintiff's Petition was filed in said court on the 19TH day of MARCH A.D. 2018, in this case, numbered CV15,363 on the docket of said court, and styled,

PERRY BAIRD

Plaintiff.

VS. WERNERCO SERVICES, INC. AND LOWE'S HOME CENTERS, LLC Defendant.

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's ORIGINAL Petition accompanying this citation and made a part hereof.

(A TRUE AND CORRECT COPY ATTACHED)

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand seal of said Court at Coldspring, Texas, this the 21ST day of MARCH A.D. 2018.

REBECCA CAPERS, CLERK, DISTRICT COURT
SAN JACINTO COUNTY, TEXAS

BY: Nicole Wade DEPUTY

Rule 106: "the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

Served 5/14/18

Filed: 5/25/2018 1:05 PM
Rebecca Capers
District Clerk
San Jacinto County, Texas

Service ReturnCause No.: _____
Court: _____VS.
_____Addressee: _____
Address for Service: _____

Came to hand on the 11th day of May, 2018, at 4:00 P.m., and executed in _____ County, Texas by delivering to each of the within named defendants in person, a true copy of this Citation with the date of delivery endorsed thereon, together with the accompanying copy of the _____ at the following times and places, to-wit:

Name	Date/Time	Place, Course and Distance from Courthouse
_____	_____	_____

And not executed as to the defendant(s), _____

The diligence used in finding said defendant(s) being: _____

and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of defendant(s) being: _____

Service Fee: \$ _____

_____, Officer
_____, County, Texas
By: _____
Affiant

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT,

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty of perjury and contain the following statement:

"My name is _____, my date of birth is _____, and my address is _____
(First, Middle, Last)

(Street, City, Zip)

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND CORRECT
Executed in _____ County, State of _____, on the _____ day of _____

Declarant/Authorized Process Server

(Id # & expiration of certification)

RETURN OF SERVICE

Cause No. CV15,363

**In the 258th Judicial District of
San Jacinto County, Texas**

PERRY BAIRD
Plaintiff

v.

**WERNERCO SERVICES, INC. AND
LOWE'S HOME CENTERS, LLC**
Defendant

Came to hand on May 11, 2018, at 04:00 PM.

Executed at 211 E. 7th Street, Suite 620, Austin, TX 78701, within the County of Travis at 11:35 AM on May 14, 2018, by delivering to the within named:

LOWE'S HOME CENTERS, LLC,

by delivering to its Registered Agent, CORPORATION SERVICE COMPANY d/b/a CSC-LAWYERS INCORPORATING SERVICE COMPANY, by and through its designated agent, VANESSA HERNANDEZ, a true copy of this Citation together with Plaintiff's Original Petition, having first endorsed upon such copy of such process the date of delivery.

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103 and 536(a) of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.

By: THU

Thomas R. Kroll PSC-3012,
Exp: 8/31/2019

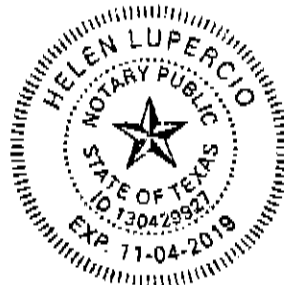
VERIFICATION

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared Thomas R. Kroll, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this May 14, 2018.

18-032593/Baird



Helen Lupericio
NOTARY PUBLIC, STATE OF TEXAS